

Remarks**1. The Pending Claims**

Claims 50-66 are pending in the application. Claim 57 is withdrawn from consideration due to a restriction requirement. Applicants thank the Examiner for correcting the claim numbering from the prior amendment. Claims 50 and 54 have been amended to recite a blocking strip. New claims 63 and 64 are drawn to those embodiments where the blocking strip contains at least one blocking reagent or a buffer. Support for this amendment and the new claims can be found on in the figures and on page 20 of the specification. Applicants have also amended claim 54 by replacing "wicking member" with "collection strip." This cosmetic amendment is made for the purpose of having consistent language in the claims and is not meant to change the scope of the pending claims. New claims 65 and 66 recite adsorbent collection strips. Support for these new claims is found on page 13 of the specification. The proposed amendments do not introduce new matter.

2. Amendment to the Specification

The Examiner correctly pointed out that the prior amendment to the specification did not delete the paragraph being replaced. As shown above Applicants have amended the specification to correct the Cross-Reference to Related Applications. For the sake of clarity Applicants amendment refers to the specification as originally filed.

3. The Rejection under 35 U.S.C. § 102(b) over Seymour

Claims 50-56, 58, and 59 are rejected under 35 U.S.C. § 102(b) as being anticipated by Seymour, (US 5,380,492). The Examiner's remarks regarding this rejection are found on pages 2-4 of the final Office Action. Applicants respectfully traverse this rejection.

Applicants' claimed device has a lateral flow assay strip within a housing in fluid communication with a collection strip with one end contained within the housing and the other enlarged end of which protrudes from the housing. Seymour does not teach or suggest such a device. Upon entry of the proposed amendment, Applicants' claimed device has a blocking strip between and in fluid communication with the lateral flow assay strip and the collection strip. Accordingly, the claimed device includes a housing and three strips in fluid communication with each other—the collection strip, the blocking strip, and the collection strip. Seymour does not teach or suggest such a device. Nor would the teachings of Seymour have rendered such a device obvious to one of ordinary skill in the art. Applicants respectfully request this rejection be withdrawn.

4. The Rejection under 35 U.S.C. § 103 over Seymour in view of Bogema

Claims 60 and 62 are rejected under 35 U.S.C. § 103 over Seymour (US 5,380,492) in view of Bogema (US 6,48,598). In addition to the remarks on pages 2-4 of the final Office Action, the Examiner points out that Seymour does not disclose the specific reagents recited in claims 60 and 62. The Examiner cites Bogema to cure this deficiency in Seymour. Applicants respectfully traverse this rejection.

As discussed above, Seymour does not teach or suggest Applicants' claimed device with its housing and three strips in fluid communication with each other. Bogema also lacks any such teaching or suggestion. In particular Bogema does not teach or suggest a blocking strip. Accordingly, one of ordinary skill would not have found Applicants claimed invention obvious from the teachings of Seymour or Bogema alone or in combination. Applicants respectfully request this rejection be withdrawn.

5. The Rejection under 35 U.S.C. § 103 over Seymour in view of Bogema and in further view of Ullman

Claim 61 is rejected under 35 U.S.C. § 103 over Seymour (US 5,380,492) in view of Bogema (US 6,48,598) and further in view of Ullman (US 4,624,929). The Examiner cites Ullman for its teaching of an enzyme labeled binding partner, which the Examiner points out is not taught in Bogema. Applicants respectfully traverse this rejection.

In the prior section Applicants discussed how neither Seymour or Bogema teach or suggest Applicants' claimed device with its housing and three strips in fluid communication with each other. Ullman does not teach or suggest such a device and, therefore does not remedy the deficiencies of Seymour or Bogema.

Ullman discloses a device collects a predetermined amount liquid sample and the dilutes the liquid sample by virtue of the device being adapted for use with a container having a certain volume of the diluting liquid. The Ullman device uses pressure to move the diluted sample from the container into a housing which may contain an assay strip (40). See Ullman Figs. 4 and 5. Ullman's device may also contain a means (28) for removing excess liquid and filtering out particles. Means (28), however, is placed on the exterior of ("in an overlying position") the sample collection means (26). Ullman teaches that means (28) should be porous and removable. Ullman, col. 2, line 65-col. 3, line 7, and Fig. 4. Ullman's means (28) is not a blocking strip between and in fluid communication with an assay strip and a collection means as in Applicants' claimed device.

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One of ordinary skill would not have found Applicants' claimed device obvious from Ullman, alone or in combination with Seymour or Bogema. Applicants respectfully request this rejection be withdrawn.

6. Conclusion

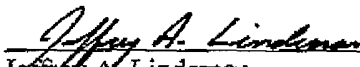
In view of the foregoing, Applicants respectfully request reconsideration of this application. Applicants respectfully request entry of the claim amendments as they place the claims in condition for allowance or, at least, in better form for appeal.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 19-2380. If a fee is required for an extension of time under

37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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